

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,**

v.

**Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge**

**WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.**

CERTIFICATE OF SERVICE

I hereby certify that I, Roberta F. Green, have this day, the 22nd day of November, 2021, served a true and exact copy of *“WVSSAC’s Responses to Plaintiff’s First Set of Interrogatories”* was served on counsel by electronic means:

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ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.**

WVSSAC'S RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Now comes West Virginia Secondary School Activities Commission (WVSSAC), by counsel, and responds as follows to Plaintiff's First Set of Interrogatories to Defendant West Virginia Secondary School Activities Commission.

Defendant has not completed discovery in this civil action and has not completed its preparation for trial. For these reasons, the Defendant's responses are based upon only such information and documents as are presently available and known to WVSSAC. Further discovery and independent investigation may supply additional facts, add meaning to facts, or may establish entirely new factual contentions, and, therefore, additions to, changes in, and/or variations from the Defendant's present responses may be necessary or may unavoidably result. The following responses are given in good faith but without prejudice to the Defendant's right to produce evidence of subsequently discovered facts or documents.

The Defendant avails itself of all rights under the Federal Rules of Civil Procedure and such other applicable rules and law, and objects to the instructions contained in Plaintiff's discovery requests to the extent such instructions attempt to impose burdens on the Defendant that are outside the scope of the Rules or the law generally. The Defendant is not bound to follow any instructions which may be contrary to the Rules and other law.

Without waiving the foregoing, the Defendant provides the following responses.

INTERROGATORIES

INTERROGATORY NO. 1: Identify all PERSONS who provided information in preparation of YOUR Answer and Motion to Dismiss the First Amended Complaint, and for each such PERSON, state the following:

- (a) Their name, address, and telephone number;
- (b) Their relationship to YOU and/or B.P.J.; and
- (c) A detailed description of such knowledge and/or information

RESPONSE:

Objection; attorney work product, attorney client privilege. Beyond those objections and without waiving same, WVSSAC responds as follows:

- a. Beyond WVSSAC counsel, WVSSAC Executive Director, Bernie Dolan (contact through undersigned counsel).
- b. Executive Director, WVSSAC
- c. Mr. Dolan provided factual information relative to the history, structure and funding of WVSSAC. He further provided information relative to WVSSAC rules, regulations, policies and practices.

INTERROGATORY NO. 2: Identify all financial funding YOU received in 2019 to the present. For each identified funding, please state the following:

- (a) Who provided the funding, and
- (b) What the funding was allocated to.

RESPONSE:

West Virginia's Secondary School Activities Commission (WVSSAC) receives no dues whatsoever from member schools and has not for more than a decade. WVSSAC sustains itself with corporate sponsorships, advertising revenue and gate proceeds from championship meets and tournaments. WVSSAC's corporate sponsorships, which change over time, from 2019 to the present have included West Virginia Dairy Association/Milk Producers, Farmers & Mechanics, U.S. Army, MetroNews, Midstate Automotive, Field Turf, Spalding, and CareSource.

INTERROGATORY NO. 3: Identify all schools that compete in WVSSAC sponsored activities.

RESPONSE:

Member schools compete in WVSSAC sponsored activities. Non-member schools can compete in most WVSSAC sponsored activities as long as they are indeed organized as schools. For example, Calvary Baptist Church School and Teays Valley Christian are non-member schools who participate over time. Additionally, Wood County Christian is currently a member but

participated as a non-member prior to joining. WVSSAC has 289 member schools that appear on the WVSSAC website at <https://www.wvssac.org/school-directory/>

INTERROGATORY NO. 4: Identify all COMMUNICATIONS, if any, YOU have received from students, teachers, parents, schools, coaches, legislators, or other PERSONS CONCERNING B.P.J.

RESPONSE:

Bridgeport Middle School's eligibility list was posted per the Rules on the WVSSC website.

INTERROGATORY NO. 5: Identify all COMMUNICATIONS if any, YOU have received from students, teachers, parents, schools, coaches, legislators, or other PERSONS CONCERNING students who are transgender participating in school sports of any level in West Virginia.

RESPONSE:

WVSSAC received one inquiry two years ago directly from an athlete with a male birth gender interested in volleyball and considering female gender purportedly to be eligible to play volleyball. WVSSAC heard nothing further. More recently, WVSSAC had one inquiry from a transgender athlete with a female birth gender. *See also* more generally response to interrogatory numbered 7.

INTERROGATORY NO. 6: Identify the number of students who are transgender that YOU are aware of who play or have played school sports in West Virginia, and for each student, please specify the sport(s) played by the student and current school level of that student.

RESPONSE:

On information and belief and as reflected in instant pleadings, BPJ (cross country at Bridgeport Middle School). WVSSAC has no knowledge of other transgender participants. However, given that WVSSAC's policies and practices are gender neutral, it would have no reason to know of other transgender athletes unless contacted by the athlete or the school.

INTERROGATORY NO. 7: Identify all PERSONS YOU communicated with CONCERNING H.B. 3293 and the date and content of the COMMUNICATION.

RESPONSE:

In late March 2021, Mr. Dolan received texts from Senator Baldwin, asking him to appear before the Senate Democratic Caucus. Mr. Dolan was asked to appear to 'discuss the transgender athlete bill.' Also referenced at regional principal's meetings at ten locations across West Virginia from July 28 to August 12, 2021.

INTERROGATORY NO. 8: Identify all PERSONS responsible for creating, enforcing, and monitoring YOUR policies for school athletics.

RESPONSE:

The Board of Control is where member schools vote on proposals and create the rules and regulations, which are approved by the State Board of Education and then enforced and monitored by the schools. WVSSAC becomes involved in instances of disputes or appeals.

INTERROGATORY NO. 9: Identify all steps YOU have taken to contemplate, prepare for, monitor, implement, and/or enforce POLICIES and rules CONCERNING the implementation of H.B. 3293.

RESPONSE:

None.

INTERROGATORY NO. 10: Identify all PERSONS responsible for determining student eligibility on sports teams under YOUR POLICIES for school athletics.

RESPONSE:

All of the member schools.

In the instance of disputes, Executive Director Bernie Dolan, Assistant Executive Director Greg Reed, Assistant Executive Director Wayne Ryan, Assistant Executive Director Dr. Cindy Daniels.

INTERROGATORY NO. 11: Identify all YOUR public and private school members, and for each such member state whether they are public or private.

RESPONSE:

WVSSAC has 289 member schools identified here (private schools underlined), which schools also appear on the WVSSAC website at <https://www.wvssac.org/school-directory/>

Andrew Jackson Middle – Kanawha Co. (Cross Lanes, WV); Aurora School – Preston Co. (Aurora, WV); Baileysville Elementary – Wyoming Co. (Brenton, WV); Barboursville Middle – Cabell Co. (Barboursville, WV); Barrackville Middle – Marion Co. (Barrackville, WV); Beckley-Stratton Middle School – Raleigh Co. (Beckley, WV); Belington Middle – Barbour Co. (Belington, WV); Berkeley Springs – Morgan Co. (Berkeley Springs, WV); Blennerhassett Middle School – Wood Co. (Parkersburg, WV); Bluefield – Mercer Co. (Bluefield, WV); Bluefield Middle School – Mercer Co. (Bluefield, WV); Braxton County – Braxton Co. (Sutton, WV); Braxton County Middle – Braxton Co. (Sutton, WV); Bridge Street Middle – Ohio Co. (Wheeling, WV); Bridgeport Middle – Harrison Co. (Bridgeport, WV); Bridgeport Senior High School – Harrison Co. (Bridgeport, WV); Brooke High School – Brooke Co. (Wellsburg, WV); Brooke Middle School – Brooke Co. (Wellsburg, WV); Bruceton School – Preston Co. (Bruceton Mills, WV); Buckhannon-Upshur – Upshur Co. (Buckhannon, WV); Buckhanon-Upshur Middle – Upshur Co. (Buckhannon, WV); Buffalo – Putnam Co. (Buffalo, WV); Buffalo Middle – Wayne Co. (Kenova, WV); Burch Middle School – Mingo Co. (Delbarton, WV); Cabell Midland – Cabell Co. (Ona, WV); Calhoun County Middle/High School – Calhoun Co. (Mt. Zion, WV); Cameron – (Cameron, WV); Capital High School – Kanawha Co. (Charleston, WV); Capon Bridge Middle – Hampshire Co. (Capon Bridge, WV); Cedar Grove Middle School – Kanawha Co. (Cedar Grove, WV); Central Preston Middle School – Preston Co. (Kingwood, WV); Ceredo-Kenova Middle – Wayne Co. (Ceredo, WV); Chapmanville Middle – Logan Co. (Chapmanville, WV); Chapmanville Regional High School – Logan Co. (Chapmanville, WV); Charles Town Middle School – Jefferson Co. (Charles Town, WV); Charleston Catholic – Kanawha Co. (Charleston, WV); Clay County High School – Clay Co. (Clay, WV); Clay County Middle – Clay Co. (Clay, WV); Clay Battelle – Monongalia Co. (Blacksville, WV); Covenant Christian School – Monongalia Co. (Morgantown, WV); Crum Middle – Wayne Co. (Crum, WV); Davis Thomas Elementary Middle – Tucker Co. (Thomas, WV); Doddridge County – Doddridge Co. (West Union, WV); Doddridge County Middle – Doddridge Co. (West Union, WV); Dunbar Middle – Kanawha Co. (Dunbar, WV); Dupont Middle – Kanawha Co. (Belle, WV); Duval Middle School – Lincoln Co. (Griffithsville, WV); East Bank Middle – Kanawha Co. (East Bank, WV); East Fairmont – Marion Co. (Fairmont, WV); East Fairmont Middle School - Marion Co. (Fairmont, WV); East Hardy – Hardy Co. (Baker, WV); East Hardy Early Middle – Hardy Co. (Baker, WV); Eastern Greenbrier Middle School – Greenbrier Co. (Ronceverte, WV); Edison Middle School – Wood Co. (Parkersburg, WV); Elkins – Randolph Co. (Elkins, WV); Elkins Middle – Randolph Co. (Elkins, WV); Elkview Middle – Kanawha Co. (Elkview, WV); Enoch High School; Fairmont Catholic Jr. High – Marion Co. (Fairmont, WV); Fairmont Senior High School – Marion Co. (Fairmont, WV); Fairview Middle – Marion Co. (Fairview, WV); Fayetteville Pre K-8 – Fayette Co. (Fayetteville, WV); Fort Gay Pre K-8 – Wayne Co. (Fort Gay, WV); Frankfort – Mineral Co. (Ridgeley, WV); Frankfort Middle – Mineral Co. (Ridgeley, WV); Geary Middle School – Roane Co. (Left Hand, WV); George Washington

– Kanawha Co. (Charleston, WV); George Washington Middle School – Putnam Co. (Eleanor, WV); Gilbert Middle School – Mingo Co. (Gilbert, WV); Gilmer County – Gilmer Co. (Glenville, WV); Glen Fork Middle – Wyoming Co. (Glen Fork, WV); Glenwood School – Mercer Co. (Princeton, WV); Grafton – Taylor Co. (Grafton, WV); Greater Beckley Christian – Raleigh Co. (Prosperity, WV); Green Bank Middle – Pocahontas Co. (Green Bank, WV); Greenbrier East – Greenbrier Co. (Lewisburg, WV); Greenbrier West – Greenbrier Co. (Charmco, WV); Guyan Valley Middle School – Lincoln Co. (Branchland, WV); Hamilton Middle School – Wood Co. (Parkersburg, WV); Hamlin Middle School – Lincoln Co. (Hamlin, WV); Hampshire – Hampshire Co. (Romney, WV); Hannan Senior/Middle School – Mason Co. (Ashton, WV); Harman – Randolph Co. (Harman, WV); Harpers Ferry Middle School – Jefferson Co. (Harpers Ferry, WV); Harts PK-8 – Lincoln Co. (Harts, WV); Hayes Middle School – Kanawha Co. (St. Albans, WV); Hedgesville Middle – Berkeley Co. (Hedgesville, WV); Hedgesville Senior High School – Berkeley Co. (Hedgesville, WV); Herbert Hoover – Kanawha Co. (Elkview, WV); Herndon Consolidated – Wyoming Co. (Bud, WV); Horace Mann Middle School – Kanawha Co. (Charleston, WV); Huff Consolidated Middle School – Wyoming Co. (Hanover, WV); Hundred – Wetzel Co. (Hundred, WV); Huntington – Cabell Co. (Huntington, WV); Huntington East Middle – Cabell Co. (Huntington, WV); Huntington Middle School – Cabell Co. (Huntington, WV); Hurricane – Putnam Co. (Hurricane, WV); Hurricane Middle – Putnam Co. (Hurricane, WV); Independence Middle School – Raleigh Co. (Sophia, WV); Independence Senior – Raleigh Co. (Coal City, WV); Jackson Middle School – Wood Co. (Vienna, WV); James Monroe – Monroe Co. (Lindside, WV); Jefferson – Jefferson Co. (Shenandoah Junction, WV); John Adams Middle School – Kanawha Co. (Charleston, WV); John Marshall – Marshall Co. (Glen Dale, WV); Kasson Middle School – Barbour Co. (Moatsville, WV); Kermit Area – Mingo Co. (Kermit, WV); Keyser – Mineral Co. (Keyser, WV); Keyser Primary/Middle – Mineral Co. (Keyser, WV); Lenore K-8 – Mingo Co. (Williamson, WV); Lewis County – Lewis Co. (Weston, WV); Liberty (Harrison) – Harrison Co. (Clarksburg, WV); Liberty – Raleigh Co. (Glen Daniel, WV); Lincoln – Harrison Co. (Shinnston, WV); Lincoln County High School – Lincoln Co. (Hamlin, WV); Lincoln Middle School – Harrison Co. (Shinnston, WV); Logan – Logan Co. (Logan, WV); Logan Middle School – Logan Co. (Logan, WV); Long Drain Middle – Wetzel Co. (Metz, WV); Madison Middle – Boone Co. (Madison, WV); Madonna – Hancock Co. (Weirton, WV); Magnolia High School – Wetzel Co. (New Martinsville, WV); Man High School – Logan Co. (Man, WV); Man Middle School – Logan Co. (Mallory, WV); Mannington Middle – Marion Co. (Mannington, WV); Marlinton Middle – Pocahontas Co. (Buckeye, WV); Martinsburg – Berkeley Co. (Martinsburg, WV); Martinsburg South Middle – Berkeley Co. (Martinsburg, WV); Matewan – Mingo Co. (Matewan, WV); McKinley Middle School – Kanawha Co. (St. Albans, WV); Meadow Bridge High – Fayette Co. (Meadow Bridge, WV); Midland Trail High School – Fayette Co. (Hico, WV); Milton Middle – Cabell Co. (Milton, WV); Mingo Central – Mingo Co. (Delbarton, WV); Monongah Middle – Marion Co. (Monongah, WV); Montcalm – Mercer Co. (Rock, WV); Moorefield – Hardy Co. (Moorefield, WV); Moorefield Middle – Hardy Co. (Moorefield, WV); Morgantown – Monongalia Co. (Morgantown, WV); Moundsville Middle School – Marshall Co. (Moundsville, WV); Mount View High School – McDowell Co. (Welch, WV); Mount View Middle School – McDowell Co. (Welch, WV); Mountain Ridge Middle School – Berkeley Co. (Gerrardstown, WV); Mountain View Middle School – Monroe Co. (Union, WV); Mountaineer (M) Middle – Monongalia Co. (Morgantown, WV); Mountaineer Middle School – Harrison Co. (Clarksburg, WV); Mullens

Middle – Wyoming Co. (Mullens, WV); Musselman – Berkeley Co. (Inwood, WV); Musselman Middle – Berkeley Co. (Bunker Hill, WV); New Martinsville Middle – Wetzel Co. (New Martinsville, WV); Nicholas County – Nicholas Co. (Summersville, WV); Nitro – Kanawha Co. (Nitro, WV); North Marion – Marion Co. (Farmington, WV); North Middle – Berkeley Co. (Martinsburg, WV); Notre Dame – Harrison Co. (Clarksburg, WV); Oak Glen High School – Hancock Co. (New Cumberland, WV); Oak Glen Middle – (New Cumberland, WV); Oak Hill – Fayette Co. (Oak Hill, WV); Oak Hill Middle – Fayette Co. (Oak Hill, WV); Oceana Middle – Wyoming Co. (Oceana, WV); Our Lady of Fatima Parish School – Cabell Co. (Huntington, WV); Paden City High School – Wetzel Co. (Paden City, WV); Park Middle – Raleigh Co. (Beckley, WV); Parkersburg – Wood Co. (Parkersburg, WV); Parkersburg Catholic – Wood Co. (Parkersburg, WV); Parkersburg South – Wood Co. (Parkersburg, WV); Paw Paw – Morgan Co. (Paw Paw, WV); Pendleton County – Pendleton Co. (Franklin, WV); Petersburg – Grant Co. (Petersburg, WV); Peterstown Middle – Monroe Co. (Peterstown, WV); Philip Barbour High School – Barbour Co. (Philippi, WV); Philippi Middle – Barbour Co. (Philippi, WV); Pickens School; Pikeview – Mercer Co. (Princeton, WV); Pikeview Middle School – Mercer Co. (Princeton, WV); Pineville Middle – Wyoming Co. (Pineville, WV); Pleasants County Middle School – Pleasants Co. (Belmont, WV); Poca – Kanawha Co. (Poca, WV); Poca Middle – Kanawha Co. (Poca, WV); Pocahontas County – Pocahontas Co. (Dunmore, WV); Point Pleasant Senior/Middle School – Mason Co. (Point Pleasant, WV); Preston High School – Preston Co. (Kingwood, WV); Princeton Middle School – Mercer Co. (Princeton, WV); Princeton Senior – Mercer Co. (Princeton, WV); Ravenswood – Jackson Co. (Ravenswood, WV); Ravenswood Middle – Jackson Co. (Ravenswood, WV); Richwood – Nicholas Co. (Craigsville, WV); Richwood Middle School – Nicholas Co. (Richwood, WV); Ripley – Jackson Co. (Ripley, WV); Ripley Middle – Jackson Co. (Ripley, WV); Ritchie County – Ritchie Co. (Ellenboro, WV); Ritchie County Middle – Ritchie Co. (Ellenboro, WV); River View – McDowell Co. (Bradshaw, WV); Riverside – Kanawha Co. (Belle, WV); Rivesville Middle – Marion Co. (Rivesville, WV); Road Branch Jr. High – Wyoming Co. (Cyclone, WV); Roane County – Roane Co. (Spencer, WV); Robert C. Byrd – Harrison Co. (Clarksburg, WV); Robert L. Bland Middle – Lewis Co. (Weston, WV); Romney Middle – Hampshire Co. (Romney, WV); Rowlesburg School – Preston Co. (Rowlesburg, WV); Saint Joseph Central – Cabell Co. (Huntington, WV); Saint Joseph School – Berkeley Co. (Martinsburg, WV); Sandy River Middle School – McDowell Co. (Avondale, WV); Scott – Boone Co. (Madison, WV); Shady Spring – Raleigh Co. (Shady Spring, WV); Shady Spring Middle School -Raleigh Co. (Shady Spring, WV); Shepherdstown Middle School – Jefferson Co. (Shepherdstown, WV); Sherman – Boone Co. (Seth, WV); Sherman Junior High School – Boone Co. (Seth, WV); Sherrard Middle School – Marshall Co. (Wheeling, WV); Short Line Middle – Wetzel Co. (Reader, WV); Sissonville – Kanawha Co. (Charleston, WV); Sissonville Middle – Kanawha Co. (Charleston, WV); South Charleston – Kanawha Co. (South Charleston, WV); South Charleston Middle School – Kanawha Co. (South Charleston, WV); South Harrison – Harrison Co. (Lost Creek, WV); South Harrison Middle School – Harrison Co. (Lost Creek, WV); South Middle – Monongalia Co. (Morgantown, WV); South Preston School – Preston Co. (Tunnelton, WV); Southside School – McDowell Co. (War, WV); Spencer Middle – Roane Co. (Spencer, WV); Spring Mills High School – Berkeley Co. (Martinsburg, WV); Spring Mills Middle – Berkeley Co. (Martinsburg, WV); Spring Valley – Wayne Co. (Huntington, WV); St. Albans High School – Kanawha Co. (St. Albans, WV); St. Francis Central Middle School – Monongalia Co. (Morgantown, WV); St. Francis Desales

School – Raleigh Co. (Beckley, WV); St. Mary’s – Pleasants Co. (St. Mary’s, WV); St. Patrick School – Lewis Co. (Weston, WV); Stonewall-Jackson Middle School – Kanawha Co. (Charleston, WV); Summers County High School – Summers Co. (Hinton, WV); Summers Middle School – Summers Co. (Hinton, WV); Summersville Middle School – Nicholas Co. (Summersville, WV); Suncrest Middle – Monongalia Co. (Morgantown, WV); Taylor County Middle – Taylor Co. (Grafton, WV); Terra Alta East Preston – Preston Co. (Terra Alta, WV); Tolsia – Wayne Co. (Fort Gay, WV); Trap Hill Middle – Raleigh Co. (Glen Daniel, WV); Trialelphia Middle School – Ohio Co. (Wheeling, WV); Trinity Christian School – Monongalia Co. (Morgantown, WV); Tucker County – Tucker Co. (Hambleton, WV); Tucker Valley Middle – Tucker Co. (Hambleton, WV); Tug Valley – Mingo Co. (Williamson, WV); Tygarts Valley Middle/Senior High – Randolph Co. (Mill Creek, WV); Tyler Consolidated – Tyler Co. (Sistersville, WV); Tyler Consolidated Middle – Tyler Co. (Sistersville, WV); Union – Grant Co. (Mt. Storm, WV); University – Monongalia Co. (Morgantown, WV); Valley (Fayette) – Fayette Co. (Smithers, WV); Valley (Wetzel) – Wetzel Co. (Pine Grove, WV); Valley Pre K-8 – Fayette Co. (Smithers, WV); Van Senior/Middle School – (Van, WV); Vandevender Middle School – Wood Co. (Parkersburg, WV); Vinson Middle School – Wayne Co. (Huntington, WV); Wahama Senior/Middle School – Mason Co. (Mason, WV); Walton Middle – Roane Co. (Walton, WV); Warm Springs Middle – Morgan Co. (Berkeley Springs, WV); Warwood Middle – Ohio Co. (Wheeling, WV); Washington High School – Jefferson Co. (Charles Town, WV); Washington-Irving Middle – Harrison Co. (Clarksburg, WV); Wayne – Wayne Co. (Wayne, WV); Wayne Middle – Wayne Co. (Wayne, WV); Webster County High School – Webster Co. (Upper Glade, WV); Weir – Hancock Co. (Weirton, WV); Weir Middle – Hancock Co. (Weirton, WV); West Fairmont Middle School – Marion Co. (Fairmont, WV); West Preston Middle School – Preston Co. (Arthurdale, WV); Western Greenbrier Middle School – Greenbrier Co. (Crawley, WV); Westside – Wyoming Co. (Clear Fork, WV); Westwood Middle – Monongalia Co. (Morgantown, WV); Wheeling Central Catholic – Ohio Co. (Wheeling, WV); Wheeling Middle – Ohio Co. (Wheeling, WV); Wheeling Park – Ohio Co. (Wheeling, WV); Middle School – Jefferson Co. (Shenandoah Junction, WV); Williamson Pre K-8 – Mingo Co. (Williamson, WV); Williamstown – Wood Co. (Williamstown, WV); Winfield – Putnam Co. (Winfield, WV); Winfield Middle – Putnam Co. (Winfield, WV); Wirt County – Wirt Co. (Elizabeth, WV); Wirt County Middle – Wirt Co. (Elizabeth, WV); Wood County Christian – Wood Co. (Williamstown, WV); Woodrow Wilson – Raleigh Co. (Beckley, WV); WV School for the Blind – Hampshire Co. (Romney, WV); WV School for the Deaf – Hampshire Co. (Romney, WV); Wyoming East – Wyoming Co. (New Richmond, WV)

INTERROGATORY NO. 12: Identify each member of YOUR governing board. For each member, please state the following:

- (a) Their name, address, and telephone number;
- (b) Their role; and

- (c) A detailed description of how they were selected.

RESPONSE:

WVSSAC has a Board of Control and a Board of Directors. As set out in 127 CSR -1-5, the administration of the WVSSAC shall be vested in a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations.

Five members of the Board of Directors are elected from the Board of Control, while two are appointment, all as set out in 127 CSR 1-6, detailing appointment and voting protocols. *See Mayo v. WVSSAC*, 223 W. Va. 88, 672 S.E.2d 224 (2008). The current Board members (who should be contacted through undersigned counsel) are as follows:

- **Region 1 Member** – Gregory Moore, Principal, **President**
- **Region 2 Member** – David Cottrell, Principal
- **Region 3 Member** – Michael Kelley, Principal, **Vice President**
- **Region 4 Member** – Jimmy Frashier, Principal
- **Region 5 Member** – Craig Lee Loy, Principal

- **Member** – Steve Campbell, Athletic Directors Association
- **Member** – Dr. Eddie Campbell, County Superintendents
- **Member** – Jim Crawford, County Boards of Education
- **Member** – Robert Dunlevy, WV State Superintendent Designee
- **Member** – Dr. James Wilson, WV State Board of Education

Board members should be contacted through undersigned counsel.

INTERROGATORY NO. 13: Identify all employees, contractors, or other personnel affiliated with YOU who maintain records CONCERNING B.P.J. and describe the general nature of those records.

RESPONSE:

On information and belief, member school Bridgeport Middle School's eligibility form.

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION,
By Counsel.**

/S/ Roberta F. Green

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother,
HEATHER JACKSON,
Plaintiff,

v.

Civil Action No. 2:21-cv-00316
Honorable Joseph R. Goodwin, Judge

WEST VIRGINIA STATE BOARD OF EDUCATION,
HARRISON COUNTY BOARD OF EDUCATION,
WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION, W. CLAYTON BURCH
in his official capacity as State Superintendent, and
DORA STUTLER in her official capacity as
Harrison County Superintendent, PATRICK MORRISEY
In his official capacity as Attorney General, and THE
STATE OF WEST VIRGINIA,
Defendants.

VERIFICATION

STATE OF WEST VIRGINIA;

COUNTY OF WOOD, to-wit:

Bernie Dolan, being first duly sworn, upon his oath does hereby depose and say that he has read the answers to interrogatories in the foregoing and believes that the facts contained therein, except insofar as they are stated to be upon information and belief, are believed to be true; that the responses set forth herein, subject to inadvertent and undiscovered errors, are based on and therefore necessarily limited by the records and information in existence, presently recollected and thus far discovered in the course of the preparation of these responses; that consequently, he reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein, said responses are true to the best of his knowledge, information and belief.

By: Bernie Dolan
Bernie Dolan

Taken, subscribed and sworn to before me this 22 day of November, 2021.

My commission expires: July 3, 2022

Laura Wallace
Notary Public

[SEAL]

